

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ROBERT H. AYLOR, JR Individually and On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, et al.,

Defendants.

Class Action

Case No. 1:05-cv-00222-SLR

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME FOR  
DEFENDANT XYBERNAUT  
CORPORATION TO ANSWER OR  
OTHERWISE RESPOND**

MOSHE TAL, Individually and On Behalf Of All  
Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, et al.,

Defendants.

Class Action

Case No. 1:05-cv-00242-SLR

MICHAEL FEHRENBACHER, Individually and  
On Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, et al.,

Defendants.

Class Action

Case No. 1:05-cv-00256-SLR

[Captions Continued On Next Page]

JEFFREY M. JASKOL AND STACEY J.  
JASKOL, Individually and On Behalf Of All  
Others Similarly Situated,

Plaintiffs,

vs.

XYBERNAUT CORPORATION, et al.,

Defendants.

Class Action

Case No. 1:05-cv-00268-SLR

JOSPEH DANIEL WAUHOP, Individually and  
On Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

XYBERNAUT CORPORATION, et al.,

Defendants.

Class Action

Case No. 1:05-cv-00310-SLR

CHRISTINA W. DONNELLY, JOHN  
DONNELLY, JAMES G. WILLIAMSON and  
RICHARD W. DEARBORN, Individually and On  
Behalf Of All Others Similarly Situated,

Plaintiffs,

vs.

XYBERNAUT CORPORATION, et al.,

Defendants.

Class Action

Case No. 1:05-cv-00334-SLR

**STIPULATION/ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned parties  
and/or their counsel for the respective parties, as follows:

1. McGuireWoods LLP is authorized to accept on behalf of defendant Xybernaut Corporation, and does hereby accept, service of the summons and complaint in this action without prejudice and without waiver of Xybernaut Corporation's defenses except as to sufficiency of service of process; and

2. The time for Xybernaut Corporation to move, answer or otherwise respond to the complaint in this action is hereby extended to and including forty-five (45) days after the later of: (a) the Court's selection of a lead plaintiff pursuant to §21D(a)(3) of the Securities Exchange Act of 1934, 15 U.S.C. §78a, *et seq.*, as amended by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), or (b) the date on which an amended complaint, if any, is served upon counsel for Xybernaut Corporation.

Dated: June 28, 2005

Dated: June 29, 2005

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--and--

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SO ORDERED:

Dated: \_\_\_\_\_, 2005

\_\_\_\_\_  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on June 29, 2004, I electronically filed STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANT XYBERNAUT CORPORATION TO ANSWER OR OTHERWISE RESPOND using CM/ECF, which will send notification of such filing, to the following:

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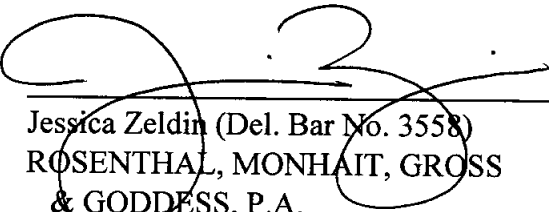
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